

Missouri Lawyers

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WEEKLY

■ DEFENSE VERDICT

Doctor did not botch liposuction, says jury

MEDICAL MALPRACTICE

■ **Court:** St. Louis County Circuit Court

■ **Case Number/Date:** 08SL-CC00128/ June 23, 2009

■ **Judge:** Maura McShane

■ **Plaintiff's Expert:** Hubert Weinberg, New York (plastic surgeon)

■ **Defendant's Expert:** Stanley Librach, St. Louis (plastic surgeon), served as his own expert

■ **Insurer:** Physicians Professional Indemnity Association

■ **Caption:** Anne Rothschild v. Stanley Librach

■ **Plaintiff's Attorney:** Alvin Wolff Jr., Alvin Wolff Jr. and Associates, St. Louis

■ **Defendant's Attorneys:** Mandy Hobson and Kevin O'Malley, Greensfelder, Hemker & Gale, St. Louis

BY ANGELA RILEY

Special to Missouri Lawyers Media

Anne Rothschild sued Dr. Stanley Librach alleging that he removed too much fat out of her thighs, causing her legs to be disfigured.

"It looked like [her legs] were bitten by sharks," said Rothschild's attorney Alvin Wolff Jr., of Alvin Wolff Jr. and Associates.

Defense attorneys described Rothschild's injuries as dimpling and ridges or irregularity of contour on her leg, which she did not like – not a disfigurement.

Although Wolff presented expert testimony that Librach negligently removed too much fat from Rothschild, the defense successfully argued that Rothschild was not negligent.

In addition to the liposuction on her thighs, Rothschild had the procedure done on her arms and abdomen – neither had a negative result.

"We presented evidence that he used



Mandy J. Kamykowski

the same technique on all of [the areas], and she was dissatisfied only with her thighs," said defense attorney Kevin O'Malley, of Greensfelder, Hemker & Gale. "There is evidence that 20 to 30 percent of [liposuction patients] require a second procedure to reach expectations that they want."

The irregularity of contour is a common risk associated with liposuction, and Rothschild was aware of it, Greensfelder attorney Mandy Hobson said.

Wolff had asked for \$75,000 to \$225,000 in damages from the jury.

The two-day jury trial was held before Judge Maura McShane. It took the jury two hours to deliver a defense verdict. Nine jurors had reached the verdict, indicating to Wolff that some wanted to give his client money, but it's still difficult to get a malpractice win in the county.

"St. Louis County is a tough place to do business," Wolff said. "They just don't like plaintiffs' cases. But the first thing they'll do, when they're hurt, will be to seek an attorney. And they shouldn't be surprised when later a jury doesn't side with them." MO